

**MINUTES OF A REGULAR MEETING OF
THE ENVIRONMENTAL QUALITY AND
ENERGY CONSERVATION COMMISSION**

1. CALL TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:00 p.m. on Thursday, May 6, 2010 in the West Annex meeting room at Torrance City Hall.

2. ROLL CALL:

Present: Commissioners Chim, Cunningham, Gobble, Griffiths, Reilly, Watson, and Chairperson McCabe*.

Absent: None.

Also Present: Deputy Community Development Director Cessna, Senior Environmental Quality Officer Jones, and Environmental Quality Officer Hill.

*Chairperson McCabe arrived at 7:20 p.m. Due to his absence, Vice-Chairperson Reilly led the meeting.

3. SALUTE TO THE FLAG

Commissioner Watson led the Pledge of Allegiance.

4. POSTING OF THE AGENDA

MOTION: Commissioner Watson, seconded by Commissioner Gobble, moved to accept and file the report of the secretary on the posting of the agenda for this meeting; a voice vote reflected unanimous approval.

5. ORAL COMMUNICATIONS FROM THE PUBLIC

None.

6. APPROVAL OF MINUTES

6A. MINUTES OF APRIL 1, 2010

MOTION: Commissioner Gobble moved for the approval of the April 1, 2010 meeting minutes as submitted. Commissioner Griffiths seconded the motion; a voice vote reflected unanimous approval (absent Chairperson McCabe).

7. ENVIRONMENTAL MATTERS

7A. REQUEST FOR A TWENTY FOUR (24) HOUR CONTINUAL OPERATION OF AN EXISTING OIL FACILITY AT 4900 DEL AMO BOULEVARD

Senior Environmental Quality Officer Jones provided background on St. Francis No. 2 Well located at 4900 Del Amo Boulevard. With the aid of slides of the well from surrounding locations, she presented Power Run Oil's request for modification of the pumping well operation hours. She discussed complaints by owners of the three homes adjacent to the well regarding noise, odor, lack of maintenance, and aesthetics. She reviewed ways the well owner has addressed these concerns that include installation of artificial landscaping, acoustical blankets on the motor, chain link fencing over the top of the pumping unit, and covering it with sound proofing material which encloses the well so that it is not visible. She showed slides of two wells that currently operate 24 hours a day. She presented staff recommendation that the acoustical material and enclosure be allowed to remain, that the well be able to operate continually on a trial basis, that an acoustical consultant be hired to make a 24 hour noise and vibration analysis, and that additional landscaping be installed as a visibility barrier.

Deputy Director Cessna expressed staff concern regarding installation of live landscaping due to the fact that the well is located in a parking lot and recommended use of potted bamboo or artificial landscaping.

At 7:14 p.m., Vice-Chairperson Reilly welcomed public comment.

Brian Dalziel, Donora Avenue, stated that Power Run Oil has not maintained the site on a consistent basis, the fencing and enclosure were constructed without a permit or notification, and the pump has been running 24 hours a day without approval. He requested that the Commission deny the request because the operator has not earned the right for this privilege.

Hanif Haji, Donora Avenue, distributed May 6, 2010 correspondence and photographs from Katherine Yamada, Hanif & Zohra Haji, and Brian & Tandie Dalziel that provides reasons for their objection to granting Power Run Oil's request to extend current hours of operation. He reviewed each page of the document and stated that allowing the pump to run 24 hours would make a bad situation worse in regards to environmental and noise pollution. He stated that the operator has had a poor record in areas of non-responsiveness to maintenance and environmental matters. He asserted that the operator built an unapproved and unpermitted structure in November 2009, that since that time the pump has run 24 hours a day on several occasions, and that no landscaping material has been installed at Ms. Yamada's home as part of the conditions set forth by the Commission in September 2008. He expressed concern that the acoustical material has a limited life span, encouraged Commissioners to review studies on health hazards of low frequency noise, and urged them to deny the request.

Responding to Commissioner Reilly's inquiry regarding the timeline on page 11, Mr. Haji advised that "No Notification" meant that neighbors were not notified.

Deputy Director Cessna provided clarification that Ms. Yamada chose not to have landscaping installed.

Mr. Haji distributed correspondence dated May 5, 2010 from Ms. Yamada expressing her opposition to extending hours of operation.

Rodger Hunt, Guadalupe Avenue, Redondo Beach, President of Power Run Oil, stated that testing indicated that extending hours of operation increased production and requested that he be allowed to run the well 24 hours a day, seven days a week. He described the acoustical material, fencing, and enclosure that was installed to address residents' concern about noise and visibility, noting that the unit is portable and did not require a permit. He stated that it was so quiet that he allowed it to run 24 hours a day for approximately two months before he heard any complaints.

In response to Commissioner Reilly's inquiries, Mr. Hunt explained that he tries to notify residents of tanker pick-ups and maintenance trucks, but that sometimes there are emergencies and last minute schedule delays. He provided clarification that he did not notify neighbors before installing the fencing and enclosure.

Daniel Reyes, Manager of Power Run Oil, discussed heavy gravity oil at the site and wear and tear being placed on the pumping unit as a result of shutting it off daily.

Responding to Commissioner Watson's inquiry, Mr. Reyes advised that if the pump ran 24 hours a day it would require one more pick-up a month, or a total of five pick ups. He noted that the boiler runs 24 hours a day, cannot be turned off, and in his opinion is noisier than the pump.

In response to Commissioner Gobble's inquiry, Mr. Hunt assumed responsibility for making the decision to run the pump 24 hours a day for 60 days following installation of soundproofing measures.

At Commissioner Gobble's request, Mr. Reyes described the heating process as well as the venting process when trucks load. He stated that he and Mr. Hunt have come up with a design to vent back into the tanks that should minimize odors.

John Harris, Grand Avenue, Los Angeles, responded to Commissioner Chim's inquiry regarding royalty owners, explaining that they would benefit from increased production of the St. Francis No. 2 Well. He distributed a Sound Measurement Survey Report conducted on May 6, 2010 by Behrens and Associates, noting that results indicate that the operational noise level of the pumping unit did not increase the ambient sound levels at the location. He pointed out that there are no complaints about the wells on White Court and Anza Avenue and that the Hajis and the Dalziels bought their homes knowing that the well was there. He asserted that only allowing the well to operate from 8:00 to 5:00 is a unique limitation that has been costly to the owner.

Responding to Commissioner Griffiths' inquiries, Senior Environmental Quality Office Jones stated that there is no documented history, but that time stipulations were placed on hours of operation at the September 2008 Commission hearing. She confirmed that in August 2009 the City approved a seven-day trial allowing the pump to run continuously to determine productivity and provided clarification that the City would receive additional tax revenue from increased production. She discussed three incidents of an intruder breaking into the well site and tampering with equipment, adding that police reports were taken.

In response to Commissioner Watson's inquiries, Mr. Reyes stated that the soundproofing material was purchased from Environmental Noise Control and has a 15-year life expectancy. He explained that at 40 feet the well cannot be heard and that this well is the only one of the four St. Francis wells that has truck pick-ups.

Commissioner Gobble expressed concern about security at the site and suggested that the owner pay for and plant Cyprus trees or fig ivy in Ms. Yamada's yard.

Mr. Hunt responded that he has offered but has received no direction from Ms. Yamada.

Mr. Haji stated that on January 13, 2010 he notified staff that the pump was running 24 hours a day, that the well on White Court runs only one hour a day, and that his master bedroom is 20 feet from the pump. He conceded that it is quieter since soundproofing was installed but would prefer that the enclosure be removed because it is an eyesore, adding that landscaping could be installed to mask the pump.

Responding to Commissioner Cunningham's inquiry regarding safety measures, Mr. Reyes stated that they have installed a stronger chain.

Deputy Director Cessna provided clarification that the structure is considered temporary and does not require a permit as it needs to be removed for maintenance.

At Commissioner Reilly's request, Mr. Reyes explained that on May 6, 2010 the acoustics consultant shut down the unit, tested for noise, then retested after turning it back on, adding that the heating unit was on during both tests.

Environmental Quality Officer Hill advised that the maximum allowable decibels is 55 during the day and 50 at night. It was pointed out that in 2008 staff determined that the unit was operating within noise limits with no soundproofing.

Zohra Haji, Donora Avenue, stressed the importance of the operator regularly maintaining the facility and being a good neighbor.

MOTION: Commissioner Reilly moved to close the public hearing. Commissioner Watson seconded the motion; a voice vote reflected unanimous approval.

Commissioner Gobble applauded the owner for installing soundproofing material but expressed concern that he ran the pump 24 hours a day without permission. He stated that he would like to see a noise study conducted at night, the device utilized to reduce vapors, and additional safety measures installed.

Commissioner Griffiths voiced concern that initially residents complained about noise and are now complaining about visual aspects. He stated that he would concur with staff recommendation but would like to require written documentation regarding truck pick-ups and maintenance.

When Chairperson McCabe questioned if the noise test would be objective, staff assured him that they have acoustical engineers who they are familiar with.

Commissioner Chim expressed her opinion that this is an issue of money versus quality of life. She related her understanding of both sides of the issue and concluded

that she is not comfortable granting petitioner's request because there are more significant points in favor of quality of life.

Commissioner Watson stated that a limited trial period with an acoustical engineer would be a good source of information and first step, but cautioned that it should not be an automatic acceptance of any further steps.

Vice-Chairperson Reilly noted that the operator has made a good faith effort to address residents' concerns and that she would support a temporary trial period. She expressed concern that the owner chose to operate the well 24 hours a day without City approval and that there appears to be a breakdown in communication between owner and neighbors.

MOTION: Commissioner Gobble moved to approve a 7 to 10 calendar day test that allows the St. Francis No. 2 Well to run 24 hours a day with the following stipulations: 1) vibration and noise studies to be conducted by a vendor approved by the City during the day and night hours, 2) operator to report back to staff on its fume mitigation measures, 3) owner to work on increased security features, 4) neighbors to be notified before the test begins, 5) that there be no operation of the well beyond 8:00 a.m. to 5:00 p.m. except during the test, and 5) results of the test and improvements to be submitted to staff within 30 days of test completion. Commissioner Watson seconded the motion. The motion passed on a 6-1 roll call vote (Commissioner Chim voting no).

Deputy Director Cessna advised that there would need to be a 15-day appeal period before the test could be set up.

The Commission was in recess from 9:37 to 9:45 p.m.

7B. PROPOSED EXPANSION OF CITY'S GREEN WASTE PROGRAM

Deputy Director Cessna noted that a Resolution to approve increase of Refuse Rates dated March 23, 2010 was included in agenda materials. She stated that the rate increase is key to moving forward with expansion of the green waste program. She requested that the Commission discuss the expansion of the program from an environmental point of view and forward its recommendations to be included when the item returns to City Council in mid-June 2010.

In response to Commissioner Griffiths' inquiry, Deputy Director Cessna stated that in the past the City's green waste has gone for landfill minimum daily cover but that lately some has been used for composting.

Commissioner Gobble expressed concern about how green waste is transported by diesel trucks out to the desert for composting, adding that he would prefer it be transported by train. He noted that if the City does not recycle green waste there is a possibility it will be fined by State regulators.

Commissioner Chim stated that most residents would be willing to pay a nominal fee to do their part in helping the environment.

Responding to Commissioner Cunningham's inquiries, Deputy Director Cessna stated that they hope to ultimately involve the entire City in the green waste program and that the City has found the trial to be very successful.

Amy Wagner, 228th Street, stated that she has seen participation in her neighborhood and thinks residents will support the Resolution.

Commissioner Reilly related her observation that composting bins are large and expensive. She recommended that the City explore subsidizing and providing small composting bins to residents with the possibility of using them as an alternative to green waste pick-ups.

Deputy Director Cessna stated that small composting bins do not keep up with all the green waste and offered to check if the City could meet the State mandate by composting.

Commissioner Gobble proposed that recycling be picked up every other week and green waste every other week, with regular trash picked up every week.

MOTION: Commissioner Gobble moved to recommend expansion of the green waste program Citywide and to explore options that include increasing composting, using green waste for composting and not minimum daily cover for landfills, and using a more environmentally friendly means of collection and disposal. Commissioner Watson seconded the motion; a roll call vote reflected unanimous approval.

8. NEW BUSINESS

8A. ELECTION OF CHAIRPERSON & VICE-CHAIRPERSON

MOTION: Commissioner Gobble moved to elect Commissioner Reilly as Chairperson of the Commission. Commissioner Watson seconded the motion; a roll call vote reflected unanimous approval.

MOTION: Commissioner Gobble moved to elect Commissioner Watson as Vice-Chairperson of the Commission. Commissioner Chim seconded the motion; a roll call vote reflected unanimous approval.

9. ORAL COMMUNICATION

9A. Deputy Director Cessna announced the City Yard Open House on June 12, 2010 and Commissioners Cunningham and Gobble indicated willingness to assist staff with outreach.

9B. Deputy Director Cessna distributed fliers about the South Bay Solar Homes Tour on May 8, 2010.

9C. Commissioner Gobble stated that Southern California Edison is starting the deployment of Smart Meters beginning May 17, 2010. He noted that this new technology will help the environment and residents with their energy usage.

9D. Commissioner Griffiths shared the April 22, 2010 Daily Breeze Earth Day edition.

9E. Commissioner Reilly stated that she was able to participate in the AQMD lawnmower exchange.

9F. Commissioner Watson showed the book Curious George Plants a Tree and announced the Altbuilt Expo on May 7-8, 2010 and Santa Monica Festival on May 8, 2010.

9G. Commissioner Chim stated that she enjoyed touring the recycling plant in San Pedro.

9H. Chairperson McCabe shared newspaper articles about being bicycle friendly and recycled sidewalk pavers.

9I. Chairperson McCabe stated that he would like the Commission to review air quality issues including refineries and leaf blowers.

9J. Chairperson McCabe announced a groundbreaking ceremony for Hull Middle School on May 7, 2010.

9K. Chairperson McCabe encouraged staff to schedule the joint meeting with City Council.

9L. Commissioner Watson and Chairperson McCabe requested excused absences for the June Commission meeting.

MOTION: Commissioner Gobble moved to grant excused absences to Commissioner Watson and Chairperson McCabe for the June 3, 2010 Commission meeting. Commissioner Chim seconded the motion; a voice vote reflected unanimous approval.

9. ADJOURNMENT

At 10:35 p.m., Chairperson McCabe adjourned the meeting to June 3, 2010 at 7:00 p.m. in the West Annex meeting room.

Approved as Submitted August 5, 2010 s/ Sue Herbers, City Clerk
